

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
<https://oversight.house.gov>

June 23, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Committee on Oversight and Accountability continues to investigate the Biden Administration's disastrous policies and mismanagement that have contributed to a historic border crisis. The U.S. Department of Homeland Security (DHS) recently implemented further processes to provide unlawful categorical parole, in violation of clear statutory language, to large numbers of inadmissible aliens. DHS has even added additional capabilities to its smartphone app, CBP One, to allow inadmissible aliens abroad to schedule appointments at ports of entry and facilitate their parole into the U.S.¹ The Committee requests documents and communications regarding DHS's continued abuse of parole authorities to bring in tens of thousands of inadmissible aliens.

The Immigration and Nationality Act (INA) sets forth limited authority to temporarily parole some otherwise inadmissible aliens into the United States under certain, narrow conditions.² Parole authority may be exercised "only on a case-by-case basis for urgent humanitarian reasons or significant public benefit..."³ Parolees benefit from the statute by being eligible to apply for work authorization and are free to travel throughout the country.⁴ Instead of only granting parole on a limited "case-by-case basis" after a finding of a legitimate humanitarian reason or significant public benefit, DHS has been abusing the statute to grant parole to tens of thousands of inadmissible aliens fitting within certain categories. For example, earlier this year DHS began to parole up to 30,000 inadmissible Venezuelan, Nicaraguan, Cuban, and Haitian nationals per month.⁵

¹ CBP One Mobile Application, U.S. CUSTOMS AND BORDER PROTECTION, *available at* <https://www.cbp.gov/about/mobile-apps-directory/cbpone>, last accessed (May 24, 2023).

² INA § 212(d)(5) [8 U.S.C. § 1182(d)(5)].

³ *Id.*

⁴ See 8 C.F.R. § 274a.12(c)(11); *see also Parolees Can Now File Form I-765 Online*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES (July 28, 2022), *available at* <https://www.uscis.gov/newsroom/alerts/parolees-can-now-file-form-i-765-online>.

⁵ Press Releases, DHS Continues to Prepare for End of Title 42; Announces New Border Enforcement Measures and Additional Safe and Orderly Process, DEP'T OF HOMELAND SEC. (Jan. 5, 2023).

The flagrant abuse of the parole statute is evidenced by the fact that the Biden Administration has paroled over a million inadmissible aliens into the United States in just over the last two years,⁶ granting it to illegal border crossers apprehended by U.S. Border Patrol agents as well as inadmissible aliens presenting themselves at ports of entry after making appointments through the CBP One mobile application.⁷ Reports indicate that 99% of inadmissible aliens who applied for an appointment through the CBP One app were ultimately approved for parole.⁸ More recently, DHS announced that it would implement a lottery-type system, meaning half of those applying for parole at ports of entry will be selected at random due to “high interest” in the program.⁹

In between the ports of entry parole was issued en masse to illegal border crossers apprehended by Border Patrol through the “Parole + ATD” program, which a federal judge found unlawful,¹⁰ and more recently through “Parole with Conditions,”¹¹ the Administration’s attempt to rebrand and sidestep the federal court’s decision finding “Parole + ATD” illegal. Fortunately, a federal court also enjoined that unlawful practice.¹² Illegal aliens given unlawful categorical parole through these programs will likely live in the United States for years before they are issued a Notice to Appear (NTA) in immigration court given the massive scheduling backlogs at U.S. Immigration and Customs Enforcement (ICE) offices. ICE offices across the country are backlogged for new appointments to process these aliens, in many cases for four years, with two offices fully booked through May 2028 and another fully booked through May 2029.¹³

To enable oversight over the Biden Administration’s unlawful use of parole, please provide the following documents and information, covering the time period January 20, 2021 to the present, no later than July 7, 2022:

1. All documents and communications containing any numerical accounting of aliens paroled into the U.S. after presenting for an appointment scheduled through the CBP One app;

⁶ George Fishman, *Parole with Benefits*, CENTER FOR IMMIGRATION STUDIES (Apr. 13, 2023).

⁷ Press Releases, DHS Continues to Prepare for End of Title 42; Announces New Border Enforcement Measures and Additional Safe and Orderly Process, DEP’T OF HOMELAND SEC. (Jan. 5, 2023).

⁸ Adam Shaw, *Over 99% of migrants who have sought Title 42 exception via CBP One app were approved*, FOX NEWS (Apr. 14, 2023).

⁹ Newsroom, USCIS Updates Review Process for the Processes for Cubans, Haitians, Nicaraguans, and Venezuelans, DEP’T OF HOMELAND SEC. (May 18, 2023).

¹⁰ *State of Florida v. United States of America, et al.*, Case No. 3:21-cv-1066-TKW-ZCB at 18 (N.D. Fla. 2023).

¹¹ Stephen Dinan, *60 days to check in: Memo reveals Border Patrol’s new catch-and-release policy*, THE WASH. TIMES (May 11, 2023).

¹² *State of Florida v. Alejandro Mayorkas, et al.*, Case No. 3:23-cv-09962 (N.D. Fla. May 16, 2023) ECF No 30.

¹³ Top 10 Parole/NTR Appointment Backlog Locations as of Friday, May 12, 2023, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (May 22, 2023) (on file with Committee Staff).

2. All documents and communications containing any numerical accounting of inadmissible aliens paroled into the U.S. after illegally crossing the border in between ports of entry;
3. All documents and communications containing any numerical accounting of inadmissible aliens paroled into the U.S. after presenting themselves for inspection at a port of entry who did not schedule an appointment through the CBP One app;
4. All documents and communications with any third party, including any foreign government official or entity, regarding the use of the CBP One app by inadmissible aliens to schedule appointments at ports of entry for the purpose of requesting parole;
5. All documents and communications containing any policy or guidance to DHS personnel on how to exercise their discretion to issue parole to an alien or class of aliens, including but not limited to how to determine whether an urgent humanitarian reason or significant public benefit is present in any given case;
6. All documents and communications referencing any categories or characteristics of aliens to be considered for parole;
7. A full copy of any questionnaire or other form used to collect information from individuals being considered for parole;
8. All documents and communications containing any numerical accounting of work authorization requests granted to parolees by U.S. Citizenship and Immigration Services.

Thank you for your consideration of this important issue. To make arrangements to deliver documents or ask any related follow-up questions, please contact the Committee on Oversight and Accountability at (202) 225-5074. The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. The Subcommittee on National Security, the Border, and Foreign Affairs has “oversight jurisdiction over the U.S. borders, national security, homeland security, foreign operations, immigration, emergency management, and criminal justice” under the Committee on Oversight and Accountability Rules for the 118th Congress.

Thank you in advance for your cooperation with this inquiry.

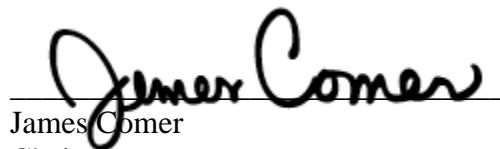
Sincerely,



Glenn Grothman

Chairman

Subcommittee on National Security,
the Border, and Foreign Affairs



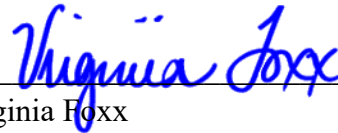
James Comer

Chairman

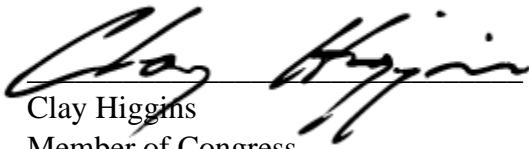
Committee on Oversight and Accountability



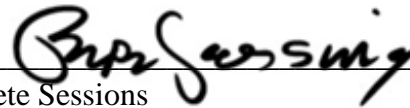
Paul A. Gosar, D.D.S
Member of Congress



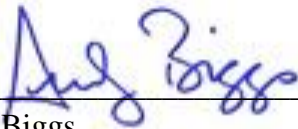
Virginia Foxx
Member of Congress



Clay Higgins
Member of Congress



Pete Sessions
Member of Congress



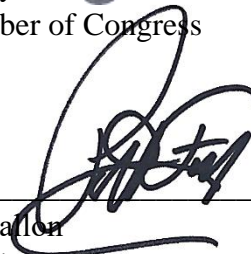
Andy Biggs
Member of Congress



Nancy Mace
Member of Congress



Jake LaTurner
Member of Congress



Pat Fallon
Member of Congress



Kelly Armstrong
Member of Congress



Scott Perry
Member of Congress

cc: The Honorable Robert Garcia, Ranking Member
Subcommittee on National Security, the Border, and Foreign Affairs

The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability